IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A. No. 4229 of 2000 (O&M)

DATE OF DECISION : 22.07.2011

Shiv Charan (deceased) through LRs

.... APPELLANT

Versus

Gram Panchayat, Village Chandpur and Dalelgarh

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Bikram Chaudhary, Advocate,
for the appellant.

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SATISH KUMAR MITTAL , J. (Oral)

On November 20, 2000, this appeal was adjourned sine die, to await the decision of the Full Bench in Civil Writ Petition No. 5877 of 1992. The said writ petition has already been decided by the Full Bench of this Court on March 13, 2003.

Learned counsel for the appellant states that in view of the said decision, since the Civil Court has no jurisdiction to decide the question whether a particular land is *shamilat deh* or not, and this question can only be determined in a title suit, filed under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961, therefore, the appellant may be

permitted to withdraw this appeal with liberty to file a title suit under the aforesaid Act.

Dismissed as withdrawn with the aforesaid liberty.

July 22, 2011 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**